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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,282	12/21/2001	Keith L. House	SP01-347	1344
22928	7590	12/02/2004	EXAMINER	
CORNING INCORPORATED			HOFFMANN, JOHN M	
SP-TI-3-1				
CORNING, NY 14831			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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S. C.

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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41130

DATE MAILED:

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Commissioner for Patents

Newly amended claim 23 (and thus all claims depending therefrom) are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 23 as originally presented was limited to the specie where the pressure within the substrate remains constant (see last line of original claim 23). Claim 23 has been amended so that the pressure changes and/or can change. A changing pressure and a constant pressure are two mutually exclusive species/inventions. It would place a serious burden on the Office to now search and examine this species that is now presented for the first time. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-28 and 30-36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Accordingly, since there are no claims which are directed to the originally presented species (nor any claim generic thereto), the amendment filed on 8 November 2004 is non-responsive (MPEP § 821.03).

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

John Hoffmann  
Primary Examiner  
Art Unit: 1731

11-30-04